

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: James Chen

Serial No.: 10/091,144

Customer No.: 24961

Confirmation No.: 7692

Filed: March 4, 2002

For: *Use Of Photoluminescent Nanoparticles For Photodynamic Therapy*

Art Unit: 1615

Examiner: Unassigned

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN ACCORDANCE  
WITH 37 C.F.R. §§ 1.97-1.98**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Because this Supplemental Information Disclosure Statement is filed prior to receipt of a First Office Action on the Merits for the above-captioned application, a fee for filing this statement should not be due. If, however, it is determined that a fee is due, any fees that may be due in connection with filing this paper may be charged to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§ 1.97-1.98. The Forms PTO-1449 (6 pages) and cited references are provided herewith.

The documents listed on the Forms PTO-1449 and supplied herewith are in the English language with the exception of Item AV. Item AV (Japanese Patent No. 53084998) is in the Japanese language and is supplied with a certified English

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language translation (Item BH). Hence, in accordance with the requirements of  
37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of  
the listed items is necessary.

Applicant also makes known to the Office the following U.S. applications  
which are commonly owned and/or have one or more inventors in common with  
the instant application.

<b>U.S.S.N.</b>	<b>Filing Date</b>	<b>Publication No. or Issue No.</b>	<b>Publication or Issue Date</b>	<b>Docket No.</b>
10/384,895	03/07/03			0044RI
10/385,378	03/07/03			0044BRI
09/592,150	06/12/00	6,624,187	09/23/03	0049
09/801,163	03/07/01			0050
10/351,730	01/23/03	2003-0167033	09/04/03	0052
10/211,784	08/01/02	2002-0198576	12/26/02	0054C
09/271,575	03/18/99	6,602,274	08/05/03	0055
09/905,501	07/13/01	2002-0087205	07/04/02	0055B
10/317,269	12/10/02	2003-0109813	06/12/03	0055C
10/410,700	04/08/03			0055D
09/905,777	07/13/01	2002-0127230	09/12/02	0057
09/905,405	07/13/01	2003-0018371	01/23/03	0060
09/386,692	08/31/99	2003-0114434	06/19/03	0061
09/760,362	01/12/01			0062
10/607,922	06/27/03			0094
10/613,474	07/02/03			0095
09/150,821	09/11/98			CHEN0079
10/021,891	12/12/01	2003-0030342	02/13/03	CHEN0145

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**Chen**

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Int'l App. No.	Filing Date	Publication No.	Publication Date	Docket No.
PCT/US03/02303	01/23/03			0052PC
PCT/US03/20427	06/27/03			0094PC
PCT/US03/21179	07/02/03			0095PC
03010382.4	05/10/03			CHEN0188
PCT/US02/28149	11/25/02	WO03052793	06/26/03	CHEN0187

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing references and make them of record in the file history of the above-captioned application.

\* \* \*

Respectfully submitted,  
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By:

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Registration No. 33,779

Date: October 2, 2003

Attorney Docket No. 25886-0066B

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LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT		ATTY. DOCKET NO. 25886-0066B	SERIAL NO. 10/091,144	CONFIRM. NO. 7692
		APPLICANT Chen, James	CUSTOMER NO. 24961	
		FILING DATE March 4, 2002	GROUP 1615	

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+ Derwent English language abstract and/or English translation provided.

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### U.S. PATENT DOCUMENTS

**TECH CENTER 1600/2900**

EXAMINER INITIAL	*Ref. Code	DOCUMENT NUMBER							DATE	NAME	CLASS	SUB CLASS	FILING DATE
	A	0	0	1	8	3	7	1	01/23/03	Chen	607	88	07/13/01
	B	0	0	4	4	6	2	3	11/22/01	Chen	606	2	07/20/01
	C	0	0	4	9	2	4	7	04/25/02	Chen	514	410	01/12/01
	D	0	1	0	9	8	1	3	06/12/03	Chen	60	2	12/10/02
	E	0	1	1	4	4	3	4	06/19/03	Chen <i>et al.</i>	514	185	08/31/99
	F	0	1	2	7	2	2	4	09/12/02	Chen	424	130.1	03/04/02
	G	0	1	2	7	2	3	0	09/12/02	Chen	424	178.1	07/13/01
	H	0	1	9	8	5	7	6	12/26/02	Chen	607	88	12/26/02
	I	4	7	5	3	9	5	8	06/28/88	Weinstein <i>et al.</i>	514	410	06/25/86
	J	4	8	4	9	2	0	7	07/18/89	Sakata <i>et al.</i>	424	1.1	10/23/86
	K	5	4	9	4	7	9	3	02/27/96	Schindeler <i>et al.</i>	435	6	06/14/89
	L	5	5	4	3	5	1	4	08/06/96	Sessler <i>et al.</i>	540	472	04/06/95
	M	5	5	6	5	5	5	2	10/15/96	Magda <i>et al.</i>	534	11	06/07/95
	N	5	5	7	1	1	5	2	11/05/96	Chen <i>et al.</i>	607	92	05/26/95
	O	5	5	7	6	0	1	3	11/19/96	Williams <i>et al.</i>	424	423	03/21/95
	P	5	5	9	1	8	5	5	01/07/97	Hudkins <i>et al.</i>	546	256	04/24/95
	Q	5	5	9	4	1	3	6	01/14/97	Sessler <i>et al.</i>	540	472	05/03/95
	R	5	6	4	3	3	3	4	07/01/97	Eckhouse <i>et al.</i>	607	88	02/07/95
	S	5	6	9	8	8	6	6	12/16/97	Doiron <i>et al.</i>	257	99	05/28/96
	T	5	7	0	9	6	5	3	01/20/98	Leone	604	20	07/25/96
	U	5	7	7	5	3	3	9	07/07/98	Woodburn <i>et al.</i>	128	898	08/19/97
	V	5	9	1	2	2	5	7	06/15/99	Prasad <i>et al.</i>	514	356	09/05/96

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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Title: **USE OF PHOTOLUMINESCENT NANOPARTICLES FOR PHOTODYNAMIC THERAPY**

FORM PTO-1449  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT								ATTY. DOCKET NO. 25886-0066B	SERIAL NO. 10/091,144	CONFIRM. NO. 7692
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### U.S. PATENT DOCUMENTS

EXAMINER INITIAL	*Ref. Code	DOCUMENT NUMBER							DATE	NAME	CLASS	SUB CLASS	FILING DATE
	W	5	9	5	2	3	2	9	09/14/99	Cincotta <i>et al.</i>	514	224.5	01/23/97
	X	5	9	7	6	1	7	5	11/02/99	Hirano <i>et al.</i>	607	89	06/18/96
	Y	6	0	5	1	2	3	0	04/18/00	Thorpe <i>et al.</i>	424	178.1	06/01/95
	Z	6	0	7	1	9	4	4	06/06/00	Rodgers <i>et al.</i>	514	408	11/12/97
	AA	6	1	0	0	8	9	3	08/08/00	Ensz <i>et al.</i>	345	420	05/23/97
	AB	6	1	6	5	4	4	0	12/22/00	Esenaliev	424	1.11	07/09/98
	AC	6	1	8	3	4	4	4	02/06/01	Glines <i>et al.</i>	604	187	05/16/98
	AD	6	2	8	1	6	1	1	08/28/01	Chen <i>et al.</i>	310	171	04/11/00
	AE	6	4	1	6	5	3	1	07/09/02	Chen	607	89	06/24/98
	AF	6	5	2	0	6	6	9	02/18/03	Chen <i>et al.</i>	362	545	06/19/00
	AG	6	5	3	4	0	4	0	03/18/03	Pandey <i>et al.</i>	424	9.362	12/18/00
	AH	6	5	5	4	8	5	3	04/29/03	Chen	607	88	07/20/01
	AI	6	5	8	0	2	2	8	06/17/03	Chen <i>et al.</i>	315	185 R	08/22/00
	AJ	6	6	0	2	2	7	4	08/05/03	Chen	607	88	03/18/99

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	*Ref. Code	DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUB CLASS	Translation Yes No
	AK	0	0	4	1	7	2	7	07/20/00	PCT			
	AL	0	0	5	2	7	9	3	09/08/00	PCT			
	AM	0	1	7	8	2	1	6	10/18/01	PCT			
	AN	0	1	7	8	4	5	8	10/18/01	PCT			
	AO	0	1	9	8	7	0	8	12/27/01	PCT			

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## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	*Ref. Code	DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUB CLASS	Translation Yes	No
	AP	0	2	1	7	6	9	0	02/28/02	PCT				
	AQ	01	0	1	5	6	9	4	03/08/01	PCT				
	AR	03	0	5	2	7	9	3	06/26/03	PCT				
	AS	03	0	6	1	6	9	6	07/31/03	PCT				
	AT	0	4	0	7	1	2	2	01/09/91	EP				
	AU	1	3	3	4	7	4	8	08/13/03	EP A1				
	AV	5	3	0	8	4	9	98	07/26/78	JP			Yes	
	AW	9	3	1	3	7	6	9	07/22/93	PCT				
	AX	9	7	3	2	8	8	5	09/12/97	PCT				
	AY	9	7	4	6	2	6	2	12/11/97	PCT				
	AZ	9	9	6	7	2	4	8	12/29/99	PCT				

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	BA	Barr <i>et al.</i> , "Normal tissue Damage Following Photodynamic Therapy: Are There Biological Advantages?", Book: Photodynamic Therapy, Basic Principles and Clinical Applications, Barbara W. Henderson and Thomas J. Dougherty, (Eds.); Marcel Dekker, Inc. New York, pp. 201-216
	BB	Beems <i>et al.</i> , "Photosensitizing properties of bacteriochlorophyllin <i>a</i> and bacteriochlorin <i>a</i> , two derivatives of bacteriochlorophyll <i>a</i> ", <i>Photochem. Photobiol.</i> , 46(5):639-643 (1987)
	BC	Bellnier <i>et al.</i> , "Murine pharmacokinetics and antitumor efficacy of the photodynamic sensitizer 2-[1-hexyloxyethyl]-2-devinyl pyropheophorbide- <i>a</i> ", <i>J. Photochem. Photobiol. B: Biol.</i> , 20:55-61 (1993)
	BD	Birchler <i>et al.</i> , "Selective Targeting and Photocoagulation of Ocular Angiogenesis Mediated by a Phage-Derived Human Antibody Fragment", <i>Nature Biotechnol.</i> , 17:984-988 (1999)

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FORM PTO-1449		ATTY. DOCKET NO. 25886-0066B	SERIAL NO. 10/091,144	CONFIRM. NO. 7692
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#### OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	BE	Blaauwgeers <i>et al.</i> , "Polarized Vascular Endothelial Growth Factor Secretion by Human Retinal Pigment Epithelium and Localization of Vascular Endothelial Growth Factor Receptors on the Inner Choriocapillaris", <i>American Journal of Pathology</i> , <u>155</u> (2): 421-428 (1999)
	BF	Boulton <i>et al.</i> , "VEGF localization in diabetic retinopathy", <i>Br J Ophthalmol</i> , <u>82</u> :561-568 (1998)
	BG	Brower, V., "Tumor Angiogenesis--New Drugs on the Block", <i>Nature Biotechnol.</i> , <u>17</u> :963-968 (1999)
	BH	Certified English Translation of Japanese Kokai [Unexamined Patent] No. 57-185220, "Anti-Cancer Drug Having Chlorophyll Derivative Effective Component,"
	BI	Chen <i>et al.</i> , "New Technology for Deep Light distribution in Tissue for Phototherapy", <i>The Cancer J.</i> , <u>8</u> (2):154-163 (2002)
	BJ	De Jode, <i>et al.</i> , "A comparison of Novel Light Sources for Photodynamic Therapy", <i>Lasers Med Sci</i> , <u>12</u> :260-268 (1997)
	BK	Dougherty, T.J., "A Brief History of Clinical Photodynamic Therapy Development at Roswell Park Cancer Institute", <i>J. Clin. Laser Med. &amp; Surg.</i> , <u>14</u> (5):219-221 (1996)
	BL	Dougherty, T.J., "Photosensitization of malignant tumors", <i>Sem. Sur. Oncol.</i> , <u>2</u> :24-37 (1986)
	BM	Dougherty <i>et al.</i> , <u>Review</u> "Photodynamic Therapy", <i>J. Natl. Cancer Inst.</i> , <u>90</u> (12):889-905 (1998)
	BN	Dougherty <i>et al.</i> , <u>Yearly Review</u> "Photodynamic Therapy", <i>Photochem. Photobiol.</i> , <u>58</u> (6):895-900 (1993)
	BO	Gagel, M. P., Photodynamic therapy with porphyrins (1997), available at <a href="http://www.dermatology.org/laser/pdt.html">http://www.dermatology.org/laser/pdt.html</a> .
	BP	Gilson <i>et al.</i> , "Therapeutic ratio of photodynamic therapy in the treatment of superficial tumours of skin and subcutaneous tissues in man", <i>J. Cancer</i> , <u>58</u> :665-667 (1988)
	BQ	Haas <i>et al.</i> , "Phototherapy of Bladder Cancer: Dose/Effect Relationships," <i>Journal of Urology</i> , <u>136</u> :525-528 (1986)

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*TECH CENTER 1600-2001*

#### OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	BR	Henderson <i>et al.</i> , "An <i>in vivo</i> quantitative structure-activity relationship for a congeneric series of pyropheophorbide derivatives as photosensitizers for photodynamic therapy", <i>Cancer Res.</i> , <u>57</u> :4000-4007 (1997)
	BS	Kessel <i>et al.</i> , "Photosensitization with bacteriochlorins", <i>Photochem. Photobiol.</i> , <u>58</u> (2):200-203 (1993)
	BT	Kozyrev <i>et al.</i> , "Effect of substituents in OsO <sub>4</sub> reactions of metallochlorins regioselective synthesis of isobacteriochlorins and bacteriochlorins", <i>Tetrahedron Letters</i> , <u>37</u> (22):3781-3784 (1996)
	BU	Lin <i>et al.</i> , "Skin Necrosis due to Photodynamic Action of Benzoporphyrin Depends on Circulating Rather than Tissue Drug Levels: Implications for Control of Photodynamic Therapy", <i>Photochem. Photobiol.</i> , <u>68</u> (4):575-583 (1998)
	BV	Meerovich <i>et al.</i> , "Photosensitizer for PDT based on phosphonate phthalocyanine derivative", <i>Proc. SPIE-INT. Soc. Opt. Eng.</i> , <u>2924</u> :86-90 (1996)
	BW	Mew <i>et al.</i> , "Ability of Specific Monoclonal Antibodies and Conventional Antisera Conjugated to Hematoporphyrin to Label and Kill Selected Cell Lines Subsequent to Light Activation", <i>Cancer Res.</i> , <u>45</u> :4380-4386 (1985)
	BX	Mizeret, <i>et al.</i> , "Cylindrical Fiberoptic Light Diffuser for Medical Application", <i>Lasers Surg. Med.</i> , <u>19</u> :159-167 (1996)
	BY	Pandey <i>et al.</i> , "Comparative <i>in vivo</i> sensitizing efficacy of porphyrin and chlorin dimers joined with ester, ether, carbon-carbon or amide bonds", <i>J. Molecular Recognition</i> , <u>9</u> :118-122 (1996)
	BZ	Pandey <i>et al.</i> , "Shedding some light on tumours", <i>Chem. Indust.</i> , <u>1998</u> :739-743 (1998)
	CA	Parrish, J.A., "Photobiologic Consideration in Photoradiation Therapy" <i>Porphyrin Photosensitization</i> , Kessel, D. and T.M. Dougherty (Eds.) New York: Plenum Press, 1983 pp. 91-108
	CB	Prewett <i>et al.</i> , "Antivascular Endothelial Growth Factor Receptor (Fetal Liver Kinase 1) Monoclonal Antibody Inhibits Tumor Angiogenesis and Growth of Several Mouse and Human Tumors", <i>Cancer Research</i> , <u>59</u> :5209-5218 (1999)
	CC	Rimington <i>et al.</i> , "Preparation and photosensitizing properties of hematoporphyrin ethers", <i>Free Rad. Res. Comms.</i> , <u>7</u> (3-6):139-142 (1989)

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#### OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	CD	Roy <i>et al.</i> , "Ceramic-based nanoparticles entrapping water-insoluble photosensitizing anticancer drugs: a novel drug-carried system for photodynamic therapy", <i>J. Am. Chem. Soc.</i> , <u>125</u> (26):7860-7865 (2003)
	CE	Rungta <i>et al.</i> , "Purpurinimides as photosensitizers: effect of the presence and position of the substituents in the <i>in vivo</i> photodynamic efficacy", <i>Bioorg. Medicinal Chem. Letters</i> , <u>10</u> :1463-1466 (2000)
	CF	Sharman <i>et al.</i> , "Novel water-soluble phthalocyanines substituted with phosphonate moieties on the benzo rings", <i>Tetrahedron Lett.</i> , <u>37</u> (33):5831-5834 (1996)
	CG	Spikes, J.D., "Porphyrins and related compounds as photodynamic sensitizers", <i>Annals of the New York Academy of Sciences</i> , <u>244</u> :496-508 (1975)
	CH	Tomio <i>et al.</i> , "Effect of Hematoporphyrin and Red Light on AH-130 Solid Tumors in Rats", <i>ACTA Radiologica Oncol.</i> , <u>22</u> :49-53 (1983)
	CI	Woodburn <i>et al.</i> , "Evaluation of porphyrin characteristics required for photodynamic therapy", <i>Photochem. Photobiol.</i> , <u>55</u> (5):697-704 (1992)

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